

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROCHELLE BURKS,	:	C.A. No. 1:04-cv-00165-KAJ
TERRY BENSON,	:	
RHONDA FAWRA,	:	
AMBER FIELDS,	:	
GWENZELLA PENNEWELL,	:	
ROCHELLE TUCKER, and	:	
WILLIAM PENNEWELL,	:	
Plaintiffs	:	
v.	:	
ROBERT ROWE,	:	
JAMES B. HOBAN,	:	
CRAIG WELDON,	:	
ROBERT WILLOUGHBY,	:	
MARK LUTES,	:	
JASON WILSON,	:	
DESHAWN L. PRICE,	:	
CHARLES TWARDORSKI,	:	
BRENT SNYDER,	:	
PHILLIP H. DAVIS,	:	
JAMES HEDRICK,	:	
SUE RIMMEL,	:	
PROPERTY ADVISORY GROUP, INC.,	:	
NEW CASTLE COUNTY, and	:	
ROGER JACKSON,	:	
Defendants	:	

**MOTION OF DEFENDANTS,
SUE RIMMEL AND PROPERTY ADVISORY GROUP, INC.
TO DISMISS PLAINTIFFS' AMENDED COMPLAINT PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 12(B)(6)**

Defendants, Sue Rimmel and Property Advisory Group, Inc., by and through its undersigned counsel, hereby moves this Honorable Court to dismiss Plaintiffs' Civil Action Complaint with prejudice.

Plaintiffs, residents of Lexington Green Apartments, filed this civil action complaint alleging violations of their constitutional rights pursuant to the Fourth, Fifth and Fourteenth

Amendments to the United States Constitution, as a result of alleged unreasonable searches and seizures of their apartments and person by the New Castle County Police Department. See Civil Complaint.

Moving Defendant, Property Advisory Group, Inc., is a private corporation that is alleged to employ Sue Rimmel, who allegedly provided the New Castle County Police Department with the names of the residents of the complex. See Civil Complaint Paragraphs 23, 25. The Complaint continues to allege that the New Castle County Police Department Defendants conducted unreasonable searches and seizures of certain apartments and individual persons. See Civil Action Complaint.

For the reasons set forth in the attached memorandum of law, Moving Defendants respectfully request that this Honorable Court dismiss Plaintiffs' Complaint against Moving Defendants with prejudice.

Respectfully Submitted,

REGER & RIZZO, LLP

/s/ Louis J. Rizzo, Jr., Esquire Atty.I.D. No. 3374

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